

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CARL DOUGLASS NECAISE

PLAINTIFF

v.

CIVIL ACTION NO. 1:24-cv-286-TBM-RPM

**CITY OF WAVELAND, MISSISSIPPI;
LACEY CHERAMIE, *Police Officer*;
DARRYEL LACOST TOWING SERVICE**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [46] entered by United States Magistrate Judge Robert P. Myers on August 13, 2025. Judge Myers recommends granting the City of Waveland and Officer Cheramie's Motion for Judgment on the Pleadings [27] and denying Carl Necaie's Motion for Judgment on the Pleadings [45]. Necaie has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.¹

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir.

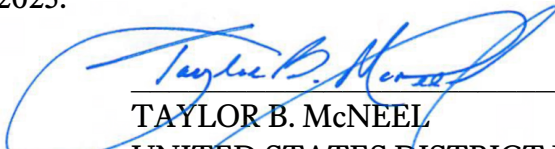
¹ A copy of the Report and Recommendation [46] was mailed to Necaie at the address listed on the docket on August 13, 2025.

1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers' Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that Report and Recommendation [46] entered by United States Magistrate Judge Robert P. Myers on August 13, 2025, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the City of Waveland, Mississippi and Officer Cheramie's Motion for Judgment on the Pleadings [27] is GRANTED, the Plaintiff's claims against them are dismissed WITH PREJUDICE, and they are terminated as Defendants on the Court's docket.

THIS, the 15th day of September, 2025.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE